IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 896 of 1993

For Approval and Signature:

HONOURABLE MR.JUSTICE KS JHAVERI

==========

MANSUKHBHAI VIRABHAI - Appellant(s)
Versus
GUJARAT ELECTRICITY BOARD - Defendant(s)

==========

Appearance :
MS RUKHSANA M PATHAN for Appellant(s) : 1,
MR RC JANI for Defendant(s) : 1,

==========

CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 17/08/2006

ORAL JUDGMENT

1. This appeal under Section 30 of the Workmen's Compensation Act, is directed against the judgement and award dated 27.10.1988 passed by the Commissioner of Workmen's Compensation, Amreli, in W.C.C. No. 17 of 1986 whereby the Commissioner has ordered the original applicant to recover from the original opponent Rs. 29,400/- with 12% interest till the realisation. This appeal is for enhancement.

2. The case of the appellant is that the appellant

was doing work in the Gujarat Electric Board. On 10.12.1982, the appellant was working on the electric line of the opponent in Hingola there was fault in the line and so, the appellant was repairing the fault and all of a sudden at 13.00 p.m. The appellant received a electric shock and has fallen down on the land and he was admitted in the Civil Hospital, Amreli and after he was shifted to the Civil Hospital, Godhra as indoor patient he took treatment at Godhra. Therefore he claimed Rs. 30,240/- by way of compensation. Trial Court after hearing passed the aforesaid order.

3. Learned advocate for the appellant has submitted that learned Judge erred in not awarding the full claim without interest and penalty. He further submitted that learned Commissioner ought to have awarded a sum of Rs. 45,000/-

4. I have gone through the judgement and award. While passing the said judgement trial court observed in para 8 that the daily wages of the applicant was Rs. 13.40 ps. which is corroborated by evidence of

senior clerk Shri Natvar Shukla. Hence, the monthly pay of the applicant would be Rs. 402/- or 415.40 ps. As per the schedule IV of Section 4 of the Workmen's Compensation Act the compensation payable would be Rs. 29,400/- as the monthly pay of the applicant is more than Rs. 400/- and not more than Rs. 500/-. Learned Counsel for the appellant is not able to point out anything contrary to take a different view of the matter. I am in complete agreement with the reasonings adopted and the findings arrived at by the trial court. The award of the trial court is just and proper. No case is made out for enhancement. Hence the appeal is dismissed. No order as to costs.

(K.S.JHAVERI, J.)

Suresh*